

2. The method of claim 1 comprising exposing said plant cell or tissue to *Agrobacterium* after heatshock treatment.
3. The method of claim 1 comprising exposing said plant cell or tissue to *Agrobacterium* in the presence of an agent inhibiting *Agrobacterium* induced necrosis (AIN).

Remarks

The Examiner contends that the inventions of Groups I and VII are unrelated because the method of transforming Group VII has different starting materials, different method steps, and different end products than the method of transforming Group I.

Applicant submits that while the inventions of Groups I and VII are patentably distinct as claimed, these inventions are related and are not properly subject to a restriction requirement. Though the claims may differ in scope, the inventions of Groups I and VII belong to a single field of search and are similarly classified in class 800. Thus, no reasons exist for dividing the prosecution of these related inventions. See MPEP §808.02.

Accordingly, Applicant respectfully requests reconsideration and modification of this restriction requirement.

This Reply and Preliminary Amendment amends claims 1, 2, and 3. Claims 1-19 remain pending in the application. Attached hereto are marked-up versions of the changes made to the claims by the current amendment. The attached pages are captioned "Version With Markings To Show Changes Made." Entry of the amendments is respectfully requested.

A Petition for Two Month Extension of Time to May 15, 2002 for entry of this paper is requested. The Commissioner is authorized to charge Applicant's credit card in the amount of \$400.00. Applicant encloses a Credit Card Payment Form for payment of such fee.

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'R. Schwartz', written over a horizontal line.

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Version With Markings To Show Changes Made

Claims 1, 2, and 3 have been amended as follows:

1. A method of transforming a plant cell or tissue with a gene of interest, comprising exposing said plant cell or tissue to *Agrobacterium* under conditions which inhibit *Agrobacterium* induced necrosis (AIN), wherein said *Agrobacterium* comprises a vector comprising said gene of interest.
2. The method of claim 1 comprising exposing said plant cell or tissue to *Agrobacterium* after heatshock treatment.
3. The method of claim 1 comprising exposing said plant cell or tissue to *Agrobacterium* in the presence of an agent inhibiting *Agrobacterium* induced necrosis (AIN).